

AN ACT

relating to the prosecution of the offense of improper sexual activity with a person under supervision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 39.04, Penal Code, is amended to read as follows:

Sec. 39.04. VIOLATIONS OF THE CIVIL RIGHTS OF PERSON IN CUSTODY; IMPROPER SEXUAL ACTIVITY WITH PERSON IN CUSTODY OR UNDER SUPERVISION.

SECTION 2. Section 39.04(e)(2-a), Penal Code, is amended to read as follows:

(2-a) "Juvenile facility" means:

(A) a facility operated by the Texas Juvenile Justice Department or a private vendor under a contract with the Texas Juvenile Justice Department; or

(B) a facility for the detention or placement of juveniles under juvenile court jurisdiction and that is operated wholly or partly by [the Texas Juvenile Justice Department,] a juvenile board[7] or another governmental unit or by a private vendor under a contract with the [Texas Juvenile Justice Department,] juvenile board[7] or governmental unit.

SECTION 3. Section 39.04(f), Penal Code, is amended to read as follows:

(f) An employee of the Texas Department of Criminal Justice,

1 the Texas Juvenile Justice Department, a juvenile facility, ~~[or]~~ a  
2 local juvenile probation department, or a community supervision and  
3 corrections department established under Chapter 76, Government  
4 Code, a person other than an employee who works for compensation at  
5 a juvenile facility or local juvenile probation department, or a  
6 volunteer at a juvenile facility or local juvenile probation  
7 department commits an offense if the actor ~~[employee]~~ engages in  
8 sexual contact, sexual intercourse, or deviate sexual intercourse  
9 with an individual who the actor ~~[employee]~~ knows is under the  
10 supervision of the Texas Department of Criminal Justice, Texas  
11 Juvenile Justice Department, ~~[or]~~ probation department, or  
12 community supervision and corrections department but not in the  
13 custody of the Texas Department of Criminal Justice, Texas Juvenile  
14 Justice Department, ~~[or]~~ probation department, or community  
15 supervision and corrections department.

16 SECTION 4. The change in law made by this Act applies only  
17 to an offense committed on or after the effective date of this Act.  
18 An offense committed before the effective date of this Act is  
19 governed by the law in effect on the date the offense was committed,  
20 and the former law is continued in effect for that purpose. For  
21 purposes of this section, an offense was committed before the  
22 effective date of this Act if any element of the offense occurred  
23 before that date.

24 SECTION 5. This Act takes effect September 1, 2017.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 343 passed the Senate on April 19, 2017, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 343 passed the House on May 24, 2017, by the following vote: Yeas 146, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor